

**PLAINTIFFS' MEMORANDUM OF LAW IN OPPOSITION TO
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT RE NUISANCE**

EXHIBIT 9

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on January 30, 2020, the following order was made and entered:

State of West Virginia ex rel.
AmerisourceBergen Drug Corporation, et al.,
Petitioners

vs.) No. 19-1051

Honorable Alan D. Moats, Lead Presiding Judge,
Opioid Litigation Mass Litigation Panel, et al.,
Respondents

ORDER

On November 18, 2019, the petitioners, AmerisourceBergen Drug Corporation, et al., by counsel, Russell D. Jessee and John J. Meadows, Steptoe & Johnson, PLLC, presented to the Court a petition praying for a writ of prohibition to be directed against the respondents, as therein set forth. Thereafter, on December 19, 2019, the respondents, Monongalia County Commission, Marion County Commission, Doddridge County Commission, Randolph County Commission, and Upshur County Commission, by counsel, Robert P. Fitzsimmons, Clayton J. Fitzsimmons, and Mark A. Colantonio, Fitzsimmons Law Firm PLLC, filed a response to the petition.

Upon consideration and review, the Court is of the opinion that a rule should not be awarded, and the writ prayed for by the petitioners is hereby refused.

A True Copy

Attest: /s/ Edythe Nash Gaiser
Clerk of Court



Exhibit 7

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